UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1992/4
8 November 1991

ENGLISH
ENGLISH/FRENCH
SPANISH ONLY

Regular session

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith the fourteenth report of the International Labour Organisation* under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with Economic and Social Council resolution 1988 (LX).

* The report is being issued as received only in the languages supplied by the International Labour Organisation.

GE.91-18287/7845a

TABLE OF CONTENTS

		Page
PART I		1
	Introduction	1
	General considerations	1
PART II		2
A.	Principal ILO Conventions relevant to Articles 6-10 of the Covenant	2
B.	Indications concerning the situation of individual countries	5
	Situation concerning Articles 6-9 of the Covenant	5
	Panama*	5
	Syrian Arab Republic	6
ANNEX:	Index of countries and of relevant information supplied by the ILO since 1978	9

---

* Initial reports.

PART I

Introduction

The present report has been established according to the arrangements approved by the Governing Body of the International Labour Office[1] to give effect to resolution 1988 (LX) of 11 May 1976 of the United Nations Economic and Social Council requesting specialised agencies to submit reports in accordance with Article 18 of the International Covenant on Economic, Social and Cultural Rights, on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. According to these arrangements, the International Labour Office is entrusted with the task of communicating to the United Nations, for presentation to the Committee on Economic, Social and Cultural Rights, information on the results of the operation of various ILO supervisory procedures in the fields covered by the Covenant. It should remain open for the Committee of Experts on the Application of Conventions and Recommendations to report on particular situations whenever it deems this desirable or when specifically requested to do so by the Committee on Economic, Social and Cultural Rights.

The report will follow the approach adopted since 1985, and will contain in Part II: (a) indications concerning the principal ILO Conventions relevant to Articles 6-10 of the Covenant; and (b) indications concerning ratifications of these Conventions and comments made by ILO supervisory bodies with regard to the application of these Conventions by the States concerned (in so far as the points at issue appear to have a bearing also on the provisions of the Covenant). The latter indications are based mainly on the comments of the Committee of Experts resulting from its examination of the reports on the Conventions in question. Account was also taken of the conclusions and recommendations adopted under constitutional procedures for the examination of representations or complaints and, in the case of Article 8 of the Covenant, of the conclusions and recommendations of the Committee on Freedom of Association of the Governing Body of the International Labour Office following examination of complaints alleging violation of trade union rights.[2]

The list of countries for which information has been provided in the present report appears in the table of contents. A recapitulatory list of States Parties to the Covenant and of ILO reports containing information concerning them will be found in the Annex.

General considerations

In previous reports, the Committee of Experts has commented on several occasions on the relationship between the provisions of the Covenant and the standards laid down in international labour Conventions, the nature of the obligations resulting from them and the way in which the Committee of Experts consequently presented its comments on the implementation of the Covenant. Upon the completion of the first cycle of the reporting programme on the Covenant, the Committee of Experts recalled these general observations in the ILO's sixth report (E/1983/40), which it hoped would be useful to States Parties and would be of interest for the examination of the application of the Covenant. The main points of these observations were also recalled in the ILO's tenth report (E/1988/6). Consequently, reference is made to the reports in question.

PART II

A. Principal ILO Conventions relevant to Articles 6-10 of the Covenant

The following is a list of the principal ILO Conventions relevant to each of Articles 6-10 of the Covenant.[3] Indications on the ratification of these Conventions by each State concerned are given in section B of this part (indications concerning the situation of individual countries).

Article 6 of the Covenant

Unemployment Convention, 1919 (No. 2)
Forced Labour Convention, 1930 (No. 29)
Fee-Charging Employment Agencies Convention, 1933 (No. 34)
Employment Service Convention, 1948 (No. 88)
Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)
Abolition of Forced Labour Convention, 1957 (No. 105)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)
Employment Policy Convention, 1964 (No. 122)
Paid Educational Leave Convention, 1974 (No. 140)
Human Resources Development Convention, 1975 (No. 142)
Workers with Family Responsibilities Convention, 1981 (No. 156)
Termination of Employment Convention, 1982 (No. 158)
Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
Employment Promotion and Protection Against Unemployment Convention, 1988 (No. 168), Part II

Article 7 of the Covenant

Remuneration

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)
Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99)
Minimum Wage-Fixing Convention, 1970 (No. 131)

Equal remuneration

Equal Remuneration Convention, 1951 (No. 100)

Rest, limitation of working hours and holidays with pay

Hours of Work (Industry) Convention, 1919 (No. 1)
Weekly Rest (Industry) Convention, 1921 (No. 14)
Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)
Forty-Hour Week Convention, 1935 (No. 47)
Holidays with Pay Convention, 1936 (No. 52)
Holidays with Pay (Agriculture) Convention, 1952 (No. 101)

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
Holidays with Pay Convention (Revised), 1970 (No. 132)

Safe and healthy working conditions

White Lead (Painting) Convention, 1921 (No. 13)
Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)
Protection Against Accidents (Dockers) Convention, 1929 (No. 28)
Protection Against Accidents (Dockers) Convention (Revised), 1932 (No. 32)
Safety Provisions (Building) Convention, 1937 (No. 62)
Labour Inspection Convention, 1947 (No. 81)
Radiation Protection Convention, 1960 (No. 115)
Guarding of Machinery Convention, 1963 (No. 119)
Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
Maximum Weight Convention, 1967 (No. 127)
Labour Inspection (Agriculture) Convention, 1969 (No. 129)
Benzene Convention, 1971 (No. 136)
Occupational Cancer Convention, 1974 (No. 139)
Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
Occupational Safety and Health Convention, 1981 (No. 155)
Occupational Health Services Convention, 1985 (No. 161)
Asbestos Convention, 1986 (No. 162)
Safety and Health in Construction Convention, 1988 (No. 167)
Chemicals Convention, 1990 (No. 170)
Night Work Convention, 1990 (No. 171)

Article 8 of the Covenant

Right of Association (Agriculture) Convention, 1921 (No. 11)
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
Workers' Representatives Convention, 1971 (No. 135)
Rural Workers' Organisations Convention, 1975 (No. 141)
Labour Relations (Public Service) Convention, 1978 (No. 151)
Collective Bargaining Convention, 1981 (No. 154)

Article 9 of the Covenant

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
Sickness Insurance (Industry) Convention, 1927 (No. 24)
Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35)
Old-Age Insurance (Agriculture) Convention, 1933 (No. 36)
Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37)
Invalidity Insurance (Agriculture) Convention, 1933 (No. 38)
Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39)
Survivors' Insurance (Agriculture) Convention, 1933 (No. 40)

Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)
Unemployment Provisions Convention, 1934 (No. 44)
Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)
Social Security (Minimum Standards) Convention, 1952 (No. 102)
Equality of Treatment (Social Security) Convention, 1962 (No. 118)
Employment Injury Benefits Convention, 1964 (No. 121)
Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)
Medical Care and Sickness Benefits Convention, 1969 (No. 130)
Maintenance of Social Security Rights Convention, 1982 (No. 157)
Employment Promotion and Protection Against Unemployment, 1988 (No. 168)

Article 10 of the Covenant

(a) Maternity protection (re paragraph 2)

Maternity Protection Convention, 1919 (No. 3)
Maternity Protection Convention (Revised), 1952 (No. 103)

(b) Protection of children and young persons in relation to employment and work (re paragraph 3)

Minimum Age (Industry) Convention, 1919 (No. 5)
Minimum Age (Sea) Convention, 1920 (No. 7)
Minimum Age (Agriculture) Convention, 1921 (No. 10)
Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)
Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)
Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)
Minimum Age (Fishermen) Convention, 1959 (No. 112)
Social Policy (Basic Aims and Standards) Convention, 1952 (No. 117)
Minimum Age (Underground Work) Convention, 1965 (No. 123)
Minimum Age Convention, 1973 (No. 138)
Night Work of Young Persons (Industry) Convention, 1919 (No. 6)
Night Work (Bakeries) Convention, 1925 (No. 20)
Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)
Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
White Lead (Painting) Convention, 1921 (No. 13) (Article 3)
Radiation Protection Convention, 1960 (No. 115) (Article 7)
Maximum Weight Convention, 1967 (No. 127) (Article 7)
Benzene Convention, 1971 (No. 136) (Article 11)
Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
Medical Examination (Seafarers) Convention, 1946 (No. 73)
Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
Medical Examination (Fishermen) Convention, 1959 (No. 113)
Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)

B. Indications concerning the situation of individual countries

For each Article of the Covenant under consideration, these indications show the state of the ratifications (excluding ratifications that were subsequently denounced) of the corresponding Conventions by the country in question, and references to the relevant comments of the supervisory bodies with regard to the application of these Conventions.

The absence of any such references signifies either that there are no comments at the present time regarding the application of a particular Convention, or that the comments that have been made deal with points not relating to the provisions of the Covenant or to matters (for example, simple requests for information) which it would not appear to be necessary to deal with at this stage, or again that the government's reply concerning the application of a Convention on which comments had been made has not yet been examined by the Committee of Experts.

When references are made to the "observations" of the Committee of Experts, their texts are published in the report of the Committee for the same year (Report III (Part 4A) of the corresponding session of the International Labour Conference). In addition, comments have been formulated in requests for information addressed directly by the Committee of Experts to the governments in question; such comments are not published but the text is made available to the interested parties.

1. Situation concerning Articles 6-9 of the Covenant

PANAMA

Information concerning this country was supplied in the tenth (E/1988/6), the eleventh (E/1989/6), the twelfth (E/1990/9) and the thirteenth (E/1991/4) reports of the ILO.

For some cases the questions previously raised have been reiterated in more recent comments by the ILO. Additional information is provided below.

Article 6

As concerns the Employment Policy Convention, 1964 (No. 122), the Committee of Experts was unable to carry out in 1991 the examination referred to in its previous comments (see E/1990/9).

Article 7

In its 1991 comments on the application of the Labour Inspection Convention, 1947 (No. 81), the Committee of Experts noted from the information supplied in reply to its previous request (see E/1990/9) the continuing difficulty in assuring the functioning of the labour inspectorate and the compilation of statistics, due to the financial situation.

In comments on a series of Conventions relating to maritime employment (see list in Part II.A), the Committee of Experts has noted the continuing existence of a number of divergencies from ratified Conventions, as well as of continuing work for the revision of maritime labour legislation.

Article 8

Further to the information previously communicated on actions taken following comments by the ILO Committee on Freedom of Association, the Committee of Experts noted in 1991, in observations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), that new actions had been taken in October and December 1990 to restrict the rights to organise and bargain collectively, and the right to strike. The Government was invited to discuss the situation with the Committee on Application of Standards at the 1991 Session of the International Labour Conference, which expressed regret that the information provided did not contain any new elements which would make it possible to ensure a better application of the Conventions. It expressed its deep concern over this situation, and urged the Government to adopt the necessary corrective measures in the very near future. The Government has been requested to provide a further report for the Committee's next session.

SYRIAN ARAB REPUBLIC

Information concerning this country was supplied in the third (E/1980/35) and twelfth (E/1990/9) reports of the ILO.

For a number of cases the questions previously raised have been reiterated in more recent comments by the ILO. Additional information is provided below.

Article 6

Comments made by the Committee of Experts in 1991 under the Forced Labour Convention, 1930 (No. 29) note restrictions on the rights of civil servants and other public employees to leave their jobs without permission, and ask for the situation to be examined further.

Under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee of Experts repeated in 1991 earlier requests for information on the measures taken in practice to ensure the effective promotion of equality of opportunity and treatment without distinction. It noted, inter alia, that only 12.17 per cent of workers in the private sector were women, 15.54 per cent in public establishments and 24.8 per cent in the state administration.

Article 7

Under the Hours of Work (Industry) Convention, 1919 (No. 1) and the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), the Committee of Experts recalled in its 1990 observations that it had been commenting for some years on legislation which allowed the worker to be present at the workplace

for up to 11 hours daily, which was likely to lead to abuses. It requested the Government to inform it of the measures taken in this regard.

In 1991 comments on the Equal Remuneration Convention, 1951 (No. 100), the Committee of Experts pointed out that the principle of equal pay for men and women for work of equal value, contained in the Convention, was not necessarily applied by requirements of equal pay for the same work, and that the Convention sought to establish a comparison of the value of jobs for the implementation of the principle.

As concerns the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), the Committee of Experts noted in its 1991 observation that for many years it had been drawing the Government's attention to the need to guarantee compensatory rest to workers who work on the weekly rest day. It noted that a new draft which would appear to give effect to this requirement of the Convention was under consideration, and asked to be kept informed of the results.

Article 8

In its 1991 observation concerning the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Committee of Experts expressed the regret that no report had been received following its 1989 observation (see E/1990/9), and repeated that observation.

Notes

[1] Decisions of the Governing Body at its 201st Session (November 1976) and at its 236th Session (May 1987).

[2] Information on the procedures and machinery for the implementation of ILO standards, including the operation of its supervisory bodies, can be found in UN Action in the Field of Human Rights (United Nations publication, New York, 1988, Sales No. E.88 XIV.2), Chapter XIV, section D.1. Further information can be found in a document submitted to the First Session of the Preparatory Committee for the World Conference on Human Rights, published as UN document A/CONF.157/PC/6/Add.3.

[3] There are in addition, particularly for Articles 7 and 9, a number of Conventions dealing with corresponding matters in particular occupational sectors (e.g. road transport, seafarers, fishermen, dockworkers, plantation workers, nursing personnel) or with particular categories of workers (e.g. migrant workers, indigenous and tribal peoples, workers in non-metropolitan territories). These Conventions are not included in the present list but are taken into account in the indications concerning the situation in individual countries.

ANNEX

Index of countries and of relevant information supplied by the ILO since 1978

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)
Afghanistan	E/1986/60 E/1989/6 E/1990/9 E/1991/4	
Australia	E/1979/33 E/1985/63	E/1981/41 E/1986/60
Austria	E/1988/6	E/1981/41 E/1987/59
Barbados	E/1982/41	E/1982/41
Bulgaria	E/1980/35 E/1985/63	E/1983/40 E/1988/6
Byelorussian SSR	E/1979/33 E/1985/63	E/1981/41 E/1987/59
Cameroon		E/1988/6
Canada	E/1982/41 E/1988/6 E/1989/6	
Chile	E/1979/33 E/1985/63	E/1981/41 E/1988/6
Colombia	E/1979/33 E/1985/63	E/1990/9
Costa Rica	E/1990/9 E/1991/4	E/1990/9
Cyprus	E/1979/33 E/1985/63	E/1981/41 E/1986/60 E/1989/6
Czechoslovakia	E/1979/33 E/1986/60	E/1981/41 E/1987/59
Denmark	E/1979/33 E/1985/63	E/1981/41 E/1987/59
Dominican Republic	E/1990/9 E/1991/4	E/1990/9 E/1991/4
Ecuador	E/1978/27 E/1985/63	E/1990/9 E/1991/4

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)
Finland	E/1979/33 E/1985/63	E/1981/41 E/1986/60
France	E/1986/60	E/1989/6
German Democratic Republic	E/1978/27 E/1985/63	E/1981/41 E/1987/59
Germany, Federal Republic of	E/1979/33 E/1986/60	E/1981/41 E/1987/59
Hungary	E/1978/27 E/1985/63	E/1986/60
India	E/1986/60	
Iran, Islamic Republic of	E/1978/27	
Iraq	E/1985/63	E/1981/41 E/1986/60
Italy	E/1982/41	
Jamaica	E/1980/35 E/1989/6	E/1989/6
Japan	E/1985/63	E/1987/59
Jordan	E/1987/59	E/1987/59
Luxembourg	E/1990/9	E/1990/9
Madagascar	E/1981/41 E/1985/63	E/1986/60
Mexico	E/1985/63	E/1990/9
Mongolia	E/1978/27 E/1985/63	E/1981/41 E/1987/59
Netherlands	E/1989/6	E/1989/6
Netherlands (Antilles)	E/1987/59	
Nicaragua	E/1986/60	
Norway	E/1979/33 E/1985/63	E/1981/41 E/1988/6
Panama	E/1988/6 E/1989/6 E/1990/9 E/1991/4	E/1981/41 E/1988/6 E/1989/6 E/1991/4
Peru	E/1985/63	

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)
Philippines	E/1978/27 E/1985/63	
Poland	E/1979/33 E/1986/60	E/1981/41 E/1987/59 E/1989/6
Romania	E/1979/33 E/1985/63	E/1981/41 E/1988/6
Rwanda	E/1985/63 E/1989/6	E/1986/60
Senegal		E/1981/41
Spain	E/1980/35 E/1985/63	E/1982/41 E/1986/60
Sweden	E/1978/27 E/1985/63	E/1981/41 E/1987/59
Syrian Arab Republic	E/1980/35 E/1990/9	E/1981/41 E/1990/9
Tanzania		E/1981/41
Trinidad and Tobago	E/1989/6	E/1989/6
Tunisia	E/1978/27	E/1988/6 E/1989/6
Ukrainian SSR	E/1979/33 E/1985/63	E/1982/41 E/1986/60
USSR	E/1979/33 E/1985/63	E/1981/41 E/1987/59
United Kingdom	E/1978/27 E/1985/63	E/1981/41 E/1991/4
United Kingdom (Non-metropolitan territories)	E/1979/33 E/1985/63	E/1982/41
Venezuela	E/1985/63	E/1986/60
Yemen	E/1990/9 E/1991/4	E/1990/9 E/1991/4
Yugoslavia	E/1983/40 E/1985/63	E/1983/40
Zaire	E/1988/6	E/1988/6
Zambia		E/1986/60

- - - - -